

REGULAR MEETING  
BOROUGH COUNCIL  
BOROUGH OF RUMSON  
June 25, 2013

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on June 25, 2013 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Broderick, Day, Rubin and Shanley.

Absent: Councilman Hemphill.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

David Marks of T & M Associates was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2013 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

**COMMUNICATIONS:**

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**LETTER FROM THE NEWCOMERS CLUB OF RUMSON, FAIR HAVEN, LITTLE SILVER & SHREWSBURY REQUESTING PERMISSION TO USE BINGHAM HALL ON SATURDAY, SEPTEMBER 21, 2013 FROM 8:00 P.M. UNTIL 11:00 P.M. FOR A WINE AND CHEESE WELCOMING EVENT FOR NEW MEMBERS WITH APPROXIMATELY 75 IN ATTENDANCE:**

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The Municipal Clerk/Administrator advised of a letter from Lynette G. Ming, Membership Chair of the Newcomers Club, Inc. of Rumson, Fair Haven, Little Silver & Shrewsbury, requesting permission to use Bingham Hall on Saturday, September 21, 2013 from 8:00 p.m. until 11:00 p.m. for a wine and cheese welcoming event for their new members. The letter advised that there would be approximately 75 people in attendance and that the Club would provide the required insurance with the provision to serve alcohol.

The Municipal Clerk/Administrator stated that the Newcomers Club has held this event in prior years and advised that they would be told that they need to provide the Borough with insurance.

On motion by Councilwoman DeVoe, seconded by Councilman Day, this communication was ordered received and permission to the Newcomers Club welcoming event on September 21<sup>st</sup> was granted with the understanding that the Club be made aware of their responsibilities. All in favor.

**CONSENT AGENDA:**

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**LETTER FROM THE STATE OF NEW JERSEY D.E.P. ADVISING OF THE APPROVAL OF THE FRESHWATER WETLANDS GENERAL PERMIT FOR THE CONSTRUCTION OF A DRIVEWAY AND BRIDGE CROSSING ON PROPERTY LOCATED AT 14 RIDGE ROAD:**

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The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection Division of Land Use Regulations approving the

Freshwater Wetlands General Permit for the construction of a driveway and bridge crossing for property located at 14 Ridge Road.

**LETTER FROM THE STATE OF NEW JERSEY D.E.P. ADVISING OF THE APPROVAL OF THE GENERAL PERMIT FOR THE INSTALLATION OF AN IN-GROUND SWIMMING POOL ON PROPERTY LOCATED AT 19 WINDMILL LANE:**

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The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection Division of Land Use Regulations approving the General Permit for the installation of an in-ground swimming pool on property located at 19 Windmill Lane.

On motion by Councilman Day, seconded by Councilman Rubin, the two (2) above Communications on the Consent Agenda were ordered received. All in favor.

**COMMITTEE REPORTS:**

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None.

**UNFINISHED BUSINESS:**

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None.

**NEW BUSINESS:**

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**INTRODUCTION OF BOND ORDINANCE 13-008 TO CANCEL FUNDED APPROPRIATION BALANCE PROVIDED FOR THE FIRST AID AMBULANCE TO TRANSFER AND RE-APPROPRIATE THE FUNDED APPROPRIATION BALANCE TO THE ACQUISITION OF A PUMPER FIRE TRUCK IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, JULY 23, 2013 AT 7:30 P.M.:**

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The Municipal Clerk/Administrator read the following ordinance by title only in first reading:

**13-008**

BOND ORDINANCE FURTHER AMENDING A BOND ORDINANCE FINALLY ADOPTED MARCH 29, 2007, AS AMENDED, BY THE BOROUGH OF RUMSON, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, IN ORDER TO PROVIDE FOR CHANGES THEREIN

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RUMSON, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The bond ordinance of the Borough of Rumson, in the County of Monmouth, New Jersey (the "Borough"), finally adopted March 29, 2007 and entitled, "BOND ORDINANCE APPROPRIATING \$7,937,000 AND AUTHORIZING \$7,406,666 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF RUMSON, IN THE COUNTY OF MONMOUTH, NEW JERSEY" (the "Original Ordinance"), as amended by the bond ordinance of the Borough, finally adopted March 18, 2008 and entitled, "BOND ORDINANCE AMENDING A BOND ORDINANCE FINALLY ADOPTED MARCH 29, 2007 BY THE BOROUGH OF RUMSON, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, IN ORDER TO PROVIDE FOR CHANGES THEREIN" (the "First Amending Ordinance"), as further amended by the bond ordinance of the Borough, finally adopted August 12, 2008 and entitled, "BOND ORDINANCE FURTHER AMENDING A BOND ORDINANCE FINALLY ADOPTED MARCH 29, 2007 BY THE BOROUGH OF RUMSON, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, IN ORDER TO PROVIDE FOR CHANGES THEREIN" (the "Second Amending Ordinance"), as further amended by the bond ordinance of the Borough, finally adopted February 24, 2009 and entitled, "BOND ORDINANCE FURTHER AMENDING A BOND ORDINANCE FINALLY ADOPTED MARCH 29, 2007, AS AMENDED, BY THE BOROUGH OF RUMSON, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, IN ORDER TO PROVIDE FOR CHANGES THEREIN" (the "Third Amending Ordinance" and together with the Original Ordinance, the First Amending Ordinance and the Second Amending Ordinance, the "Amended Ordinance") is hereby further amended as follows:

(i) the sixth line contained in the table set forth in Section 3 of the Amended Ordinance which reads:

First Aid Ambulance	\$200,000	\$190,476.10	15 years
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is hereby amended to read in its entirety as follows:

First Aid Ambulance and Fire Department Fire Truck	\$200,000	\$190,476.10	15 years
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Section 2. All other details of the Amended Ordinance shall remain the same.

Section 3. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Councilman Broderick moved the adoption of this ordinance in first reading. Motion seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Rubin and Shanley.

In the negative: None.

Absent: Hemphill.

Mayor Ekdahl stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, July 23, 2013 meeting of the Borough Council at 7:30 p.m.

**RESOLUTION 2013-0625-117 AUTHORIZING THE APPOINTMENT OF MARIE L. KUHALTHAU AS DEPUTY TAX COLLECTOR EFFECTIVE JANUARY 1, 2013:**

The Municipal Clerk/Administrator reported that Marie Kuhlthau had received notice from the State of New Jersey at the end of 2012 that she had successfully completed the Tax Collector Certification course. He added that the Borough now has two Certified Tax Collectors and Mrs. Kuhlthau would be recognized for this achievement by her appointment as Deputy Tax Collector.

**2013-0625-117**

Councilwoman DeVoe offered the following resolution and moved its adoption:

**RESOLUTION**

WHEREAS, the Borough has a need for a Deputy Tax Collector; and

WHEREAS, Marie L. Kuhlthau has been the Assistant to the Chief Financial Officer and Tax Collector since October 1, 2007 and has done an excellent job in that position; and

WHEREAS, Mrs. Kuhlthau successfully completed all the courses required for the Tax Collector Certificate on September 13, 2012 and passed the Examination administered by the Division of Local Government Services on October 3, 2012; and

WHEREAS, Mrs. Kuhlthau received notification of her certification by letter from The State of New Jersey dated December 11, 2012;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Marie L. Kuhlthau be appointed as Deputy Tax Collector effective January 1, 2013; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Chief Financial Officer and the Payroll Clerk.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Rubin and Shanley.

In the negative: None.

Absent: Hemphill.

**RESOLUTION 2013-0625-118 AUTHORIZING THE APPOINTMENT OF NICHOLAS LUITEN AS CUSTODIAN OF FIRE EQUIPMENT FOR THE RUMSON FIRE COMPANY EFFECTIVE JULY 1, 2013:**

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**2013-0625-118**

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION**

WHEREAS, the Custodian of Fire Equipment for the Rumson Fire Company resigned the position recently; and

WHEREAS, the Rumson Fire Company has a need to fill the vacant position; and

WHEREAS, the members of the Rumson Fire Company reviewed the three (3) applications for the position and found Nicholas J. Luiten to be qualified and recommended that the Borough Council appoint him to the position; and

WHEREAS, the members of the Borough Council agreed with Rumson Fire Company's recommendation;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorize the appointment of Nicholas J. Luiten to the part-time position of Custodian of Fire Equipment for the Rumson Fire Company at an annual salary of \$4,500.00 effective July 1, 2013; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Payroll Clerk.

Resolution seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Rubin and Shanley.

In the negative: None.

Absent: Hemphill.

**RESOLUTION 2013-0625-119 AWARDING A CONTRACT FOR ONE NEW PUMPER FIRE TRUCK FOR THE RUMSON FIRE DEPARTMENT TO KOVATCH MOBILE EQUIPMENT (KME) ON STATE CONTRACT NOT TO EXCEED \$365,000:**

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The Municipal Clerk/Administrator advised that KME has provided a number of fire trucks to the Borough in the recent past.

**2013-0625-119**

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING PURCHASE OF  
A NEW KME PUMPER FIRE TRUCK FOR  
THE RUMSON FIRE DEPARTMENT**

WHEREAS, the Borough of Rumson has the need to purchase a new Pumper Medium Body Panther Fire Truck from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

WHEREAS, Kovatch Mobile Equipment (KME) of Nesquehoning, PA has been awarded New Jersey State Contract No. 83151 for Fire Fighting Vehicles for the period from December 1, 2012 to December 10, 2017; and

WHEREAS, the proposed cost for the purchase from KME will be no greater than \$365,000.00; and

WHEREAS, the Chief Financial Officer will confirm all pricing of options added to the cost of the base vehicle; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that KME be awarded a contract for the acquisition of new Pumper Fire Truck for the Rumson Fire Department at a cost not to exceed \$365,000.00 according to New Jersey State Contract requirements; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to proceed with the purchase of said goods.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Rubin and Shanley.

In the negative: None.

Absent: Hemphill.

The Municipal Clerk/Administrator stated that the Mayor and Council should recognize Assistant Fire Chief Robert Halligan and 1<sup>st</sup> Lieutenant Nicholas Luiten, both from the Rumson Fire Company, for serving on the Fire Truck Committee. He added that they were present at tonight's meeting and he thanked Assistant Chief Halligan and 1<sup>st</sup> Lieutenant Luiten for all their hard work and effort assisting the Borough in putting together the specifications for the new pumper truck.

Mayor Ekdahl thanked them both and stated that the process had moved along quickly.

Assistant Chief Halligan thanked the Mayor and Council for authorizing the purchase of the new pumper fire truck for the Rumson Fire Company.

#### **RESOLUTION 2013-0625-120 AUTHORIZING THE REFUND OF A PROPERTY TAX OVERPAYMENT FOR BLOCK 51, LOT 1:**

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##### **2013-0625-120**

Councilwoman DeVoe offered the following resolution and moved its adoption:

##### **RESOLUTION REFUNDING TAX OVERPAYMENT FOR BLOCK 57, LOT 1**

WHEREAS, as part of a mortgage refinancing, the 2013 2nd quarter property taxes for the property located at 51 Avenue of Two Rivers, known as Block 51, Lot 1 were paid by Foundation Title on May 1, 2013 in the amount of \$1,944.48; and

WHEREAS, the 2013 2<sup>nd</sup> quarter property taxes for this property were paid again on May 2, 2013 by a Wells Fargo, creating an overpayment in the amount of \$1,944.48; and

WHEREAS, Helen L. Graves, Borough Chief Financial Officer/Tax Collector has confirmed with Foundation Title that this overpayment should be refunded to the property owners, Cory and Jeniene Pulice, 51 Avenue of Two Rivers, Rumson, NJ 07760; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the tax overpayment, in the amount of \$1,944.48, for Block 51 Lot 1 be refunded to Cory and Jeniene Pulice, 51 Avenue of Two Rivers, Rumson, NJ 07760; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Rubin and Shanley.

In the negative: None.

Absent: Hemphill.

**ANNOUNCEMENTS BY THE MAYOR:**

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Announcements by the Mayor:

1. Borough Hall will be closed on Thursday, July 4<sup>th</sup> in observance of Independence Day. There will be no garbage collection on July 4<sup>th</sup>. You will have to wait until your next regular garbage collection day for pickup.
2. I am pleased to announce that this summer the Rumson Recreation Commission will again be presenting Family Fun Nights in Victory Park on four Sunday evenings in July and August at 7:00 p.m. The following events for young children and families will be presented at no charge:

Yosi and the Super Dads	July 7 <sup>th</sup>
Ron Albanese and the Polka Dot Pals Band	July 28 <sup>th</sup>
Miss Sherri and the Animal Band	August 11 <sup>th</sup>
Miss Melissa's Aardvarks Band	August 25 <sup>th</sup>

Thank you for your cooperation and best wishes for an enjoyable and safe July 4<sup>th</sup> holiday.

**FINANCIAL OFFICER'S REPORT;**

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The Financial Officer's Reports disclosed the following as of May 31, 2013:

Borough of Rumson  
Chief Financial Officer Report to the Mayor and Council

Analysis of Cash for the Month Ending: May 31, 2013

<b>Funds</b>	<b>Beginning Balance</b>	<b>Cash Receipts</b>	<b>Disbursements</b>	<b>Ending Balance</b>
1. CURRENT FUND				
Current Fund Checking	\$ 16,780,393.01	\$ 8,955,013.56	\$ (7,008,191.88)	\$ 18,727,214.69
Change Funds	\$ 300.00	\$ 0.00	\$ 0.00	\$ 300.00
Certificates of Deposit	\$ 0.00	\$ 0.00	\$ 0.00	\$ —
Total Current Fund	\$ 16,780,693.01	\$ 8,955,013.56	\$ (7,008,191.88)	\$ 18,727,514.69
2. CAPITAL FUND				
Capital Fund Checking	\$ 1,234,742.10	\$ 0.00	\$ (431,152.53)	\$ 803,589.57
2007 Capital Improvement Bond Proceeds	\$ 968,198.34	\$ 0.00	\$ 0.00	\$ 968,198.34
Total Capital Fund	\$ 2,202,940.44	\$ 0.00	\$ (431,152.53)	\$ 1,771,787.91
3. PAYROLL & PAYROLL AGENCY				
Payroll	\$ 2,981.86	\$ 264,955.23	\$ (264,955.23)	\$ 2,981.86
Payroll Agency	\$ 12,924.42	\$ 156,472.47	\$ (156,472.47)	\$ 12,924.42
Total Payroll & Payroll Agency	\$ 15,906.28	\$ 421,427.70	\$ (427,427.70)	\$ 15,906.28
4. TRUST FUNDS				
Trust Fund Checking	\$ 726,775.97	\$ 2,010.00	\$ (66,379.66)	\$ 662,406.31
Unemployment Trust	\$ 111,137.75	\$ 75.54	\$ (1,520.76)	\$ 109,692.53
Recreation Trust	\$ 256,650.61	\$ 69,727.66	\$ (29,976.19)	\$ 296,402.08
C.O.A.H. Trust	\$ 1,049,844.03	\$ 23,079.20	\$ (1,061.45)	\$ 1,071,861.78
Law Enforcement Trust Fund	\$ 427.17	\$ .29	\$ 0.00	\$ 427.46
D.A.R.E.	\$ 8,941.31	\$ 6.08	\$ 0.00	\$ 8,947.39
Cafeteria Plan	\$ 5,557.76	\$ 0.00	\$ (97.63)	\$ 5,460.13
Animal Control Trust Fund	\$ 37,853.36	\$ 1,094.00	\$ (583.80)	\$ 38,383.56
Public Assistance Trust Fund	\$ 839.35	\$ 0.00	\$ 0.00	\$ 839.35
Total Trust Funds	\$ 2,198,027.31	\$ 95,992.77	\$ (99,599.49)	\$ 2,194,420.59
TOTAL ALL FUNDS	\$ 21,197,567.04	\$ 9,472,434.03	\$ (7,960,371.60)	\$ 22,709,629.47

Respectfully submitted by:

*Helen L. Graves*

Helen L. Graves, Chief Financial Officer

On motion by Councilman Broderick, seconded by Councilman Day, the Financial Officer’s Report was ordered received and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Rubin and Shanley.

In the negative: None.

Absent: Hemphill.

**CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):**

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Councilman Day offered the following resolution and moved its adoption:

\$	750.00	Air Group LLC
\$	12,370.00	Allied Oil LLC
\$	102.50	AR Communications
\$	1,158.00	Bayshore Fire & Safety LLC
\$	90.00	Cavanaugh’s Pest Control
\$	875.00	Coast Cities Equipment Sales
\$	116.98	Comcast of Monmouth
\$	97.00	Custom Tire Associates
\$	682.26	Hess Corporation
\$	205.18	Power Crimp Industries Inc
\$	502.87	JCP&L
\$	677.79	Johnny on the Spot Inc
\$	122.97	Lawes
\$	920.00	Linda M Walton Catering
\$	12,457.00	Monmouth County Regional
\$	126.59	Mid-Atlantic Truck Centre Inc
\$	20,047.30	Treasurer County of Monmouth
\$	187.00	Monmouth Sprinkler Co Inc
\$	90.00	NJ League of
\$	18.75	NJ Turnpike Authority
\$	70.00	Powerhouse Signworks
\$	1,944.48	Cory and Jeniene Pulice
\$	18,000.00	Realty Appraisal Company
\$	398.00	Rutgers The State University
\$	350.00	State Shorthand Reporting Serv
\$	1,285.88	Timmerman Equipment Company
\$	50.00	Treasurer State of New Jersey
\$	1,000.00	United States Postal Service
\$	300.00	Joseph Uras Monuments Inc
\$	302.84	Verizon
\$	160.04	Verizon Wireless
\$	134.99	Verizon Business Fios
\$	54.00	Wageworks
\$	156.00	Warshauer Electric Supply
\$	79.00	Water Environmental Federation
\$	179.04	Mark Wellner
\$	288.00	West Information Publishing
\$	25,000.00	Holman Frenia Allison PC
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\$	101,349.46	Current Fund
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\$	400.00	Siciliano Landscape Co LLC
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\$	400.00	Endowment Inc Account
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\$	145.00	Rumson Recreation CC Refund
\$	40.00	John G Dunigan
\$	200.00	Joe Hadfield

\$	360.00	Arleen Mulligan
\$	187.50	Nelson Press
\$	379.60	Postmaster Red Bank
\$	50.00	Stephen Reinhard
\$	1,115.06	S & S Worldwide Inc
\$	950.00	Yosi Music LLC
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\$	3,427.16	Recreation Account
\$	101,349.46	Current Fund Appropriations
\$	400.00	Endowment Disbursements
\$	3,427.16	Recreation Disbursements
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\$	105,176.62	Total Of All Funds

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Rubin and Shanley.

In the negative: None.

Absent: Hemphill.

**COMMENTS FROM THE COUNCIL:**

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

**COMMENTS FROM THE PUBLIC:**

The Mayor afforded the public an opportunity to be heard at this time and no one responded.

**ADJOURNMENT:**

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the meeting adjourned at 7:37 p.m. All in favor.

Respectfully submitted,

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 Thomas S. Rogers, R.M.C.  
 Municipal Clerk/Administrator